

Hanh Nguyen  
2131 E. Camero Ave.  
Las Vegas, NV. 89123  
702-752-8382

Plaintiff: in pro se

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Case No. 2:11-cv-01799-LRH -RJJ  
Dept. No.

Hanh Nguyen

Plaintiff,

vs.

Name: Washington Mutual, Bank  
N.A; JP Morgan Chase Bank, N.A  
California Reconveyance  
Company; AND DOES, individuals  
1 to 100, Inclusive; and ROES.  
Corporations 1 to 30,  
Inclusive;  
Defendants

MOTION FOR LEAVE OF COURT TO  
ALLOW PLAINTIFF TO AMEND  
COMPLAINT

Plaintiff Hanh Nguyen herby file a Motion for leave of the  
Court, for permission to allow me to amend my complaint, without  
prejudice, by eschewing the federal questions, for the purpose  
of remand back to the state court, the forum of my original  
choice.

1 I feel an amended complaint is valid because of the lack  
 2 of case law in the controversy and because of the sensitivity  
 3 and precedence of my state questions and argument.

#### 4 5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 The motion is exercised pursuant to Federal Rule 15(a) and  
 7 LR 15-1.

8 On October 19, 2011 I filed my complaint in the Eight  
 9 Judicial Court for the State of Nevada, the forum of my choice.

10 On November 8, 2011 the defendants filed a motion to remove  
 11 the complaint from the State court to Federal court under the  
 12 premise of 28 U.S.C. § 1331 (federal question) and 28 U.S.C. §  
 13 1332 (diversity).

14 In response to the Petition of Removal by the Defendants I  
 15 filed a Motion to Remand on November 28, 2011 under the premise  
 16 of absentation doctrine and "accidence of residence".

17 Through the course of my research I have been un-able to  
 18 discover any state decisions in the context of the Defendant(s)  
 19 legitimate authority to foreclose against my home ((¶ 3,5,8-  
 20 11,13,14,17,24,25,30,31,(general allegations) and (cause of  
 21 action #1-#3,#9,#10)), the Defendant(s) legitimate form of  
 22 consideration for exchange ((¶ 4,5,11,12,25 (general  
 23 allegations) and (cause of action #1,#2,#4)), the Defendants  
 24 fraud based upon a flawed foreclosure process ((¶ 8-  
 25 12,14,17,29,30 (general allegations)) and the Defendant(s) fraud  
 26 and neglect in the origination and processing of the deed of  
 27 trust in controversy ((¶ 4-20,24,25,27,29,30,31 (general  
 28 allegations)(cause of action #1-4,#8)).

**CONCLUSION**

The rules provide that "leave to amend shall be freely given when justice so requires" Fed.R.CIV.P. 15(a). And given the amendment is proposed prior to any trial or discovery and more than twenty one days have passed since the complaint was originally served then leave of the court is humbly requested.

Based on the foregoing, I respectfully request this Court to allow a leave and grant me permission to amend my complaint, and direct the clerk to file the attached First Amended Complaint as follows.

Dated this 27<sup>th</sup> day of December, 2011

By: \_\_\_\_\_

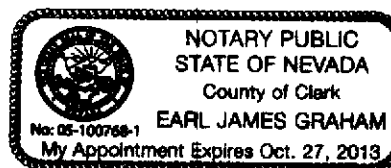
*Hanh Nguyen*  
Hanh Nguyen  
2131 E. Camero Ave.  
Las Vegas NV.89123

**ACKNOWLEDGEMENT**

Subscribed and sworn to before me this 27<sup>th</sup> day  
of December 2011.

Signed: \_\_\_\_\_

*Earl James Graham*



NOTARY PUBLIC in and for the County of Clark, State of Nevada.